

Compliments; witness Sharpley Documentary  
Exhibit (of the title Page of the second volume of the  
German handbook [*Arzneimittellehre*] and of the  
first two paragraphs of the article contained there-  
in in Sanskrit, with a translation of the same,  
and of the rest of said Article as contained in Re-  
spondents' witness Pfeiffer Exhibit).

Danielt. Coolidge

Special Examiner.

Handbuch  
der  
gesammten arzneimittellehre  
mit besonderer Rücksichtnahme  
auf die  
Pharmacopoe des Deutschen Reiches  
für  
Aerzte und Studirende  
bearbeitet  
von

Dr. med. Theodor Husemann

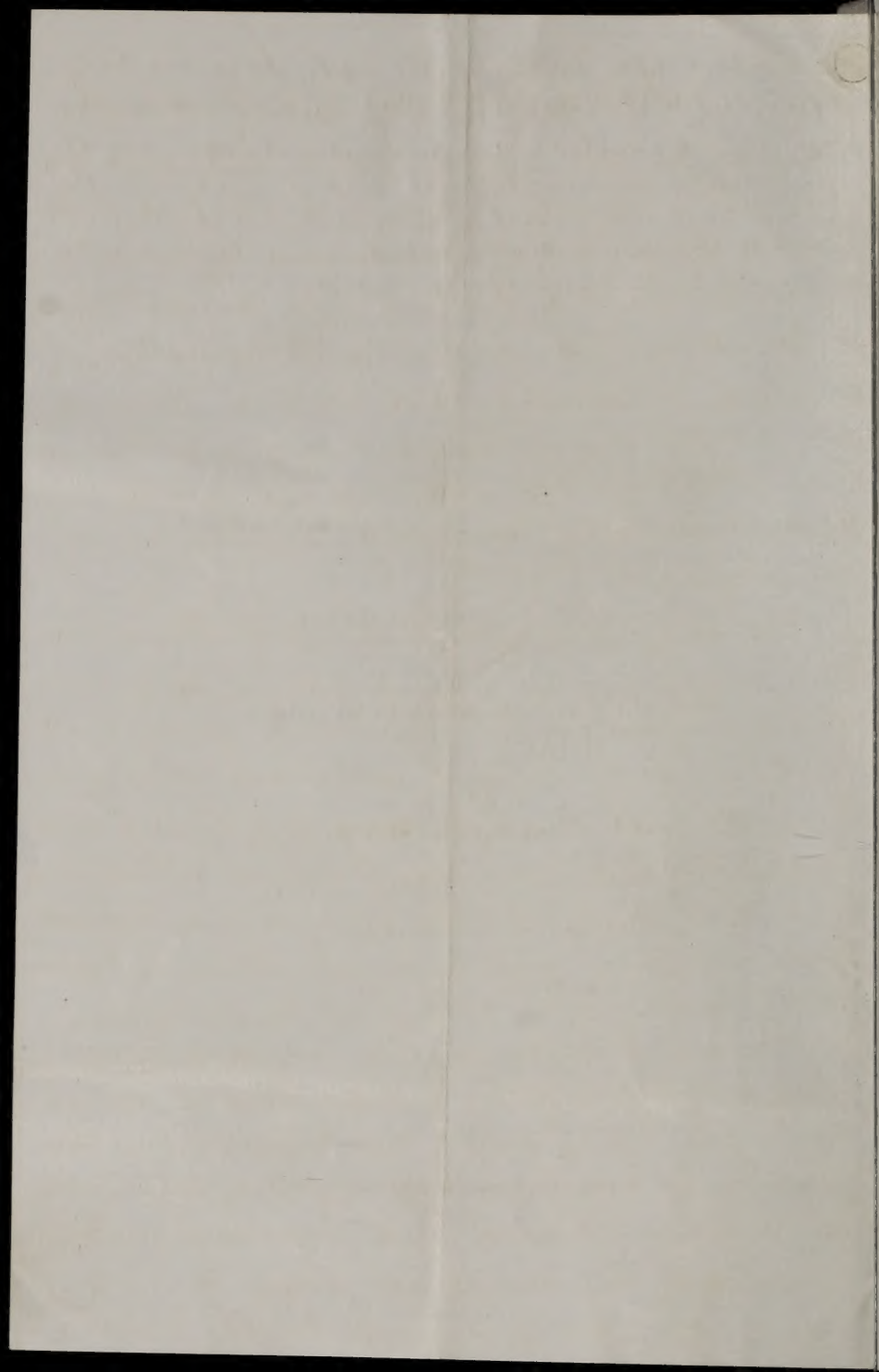
Professor in Göttingen

In zwei Bänden

Leitender Band

—  
Berlin 1875

Verlag von Julius Springer  
Moubijouplatz 3.



# Radix Saponariae; Seifenwurz.

Die officinelle Seifenwurz stammt von dem bei uns an Ufern und Hecken wachsenden Seifenkraut, *Saponaria officinalis* L., einer zu der Familie der Caryophyllaceae gehörenden Pflanze, welche in allen ihren Theilen, besonders aber in der Wurzel, ein durch seine Eigenschaft, mit Wasser eine schäumende Lösung zu geben, ausgezeichnetes Glykosid, das Saponin, einschliesst.

Die Seifenwurz besteht gewöhnlich aus den jungen, cylindrischen, einfachen Pfahlwurzeln, welche entweder ganz und in Bündel zusammengebunden, oder zur Erleichterung des Trocknens der Länge nach gespalten und lose, im Handel vorkommen und sich leicht durch ihre schön braunrothe längsringige, mit äusserst kleinen Narben oder Wurzelfasern versehene Aussenfläche und ihren dichten, glatten Bruch charakterisieren. Auf der Bruchfläche ist die dünne, weisse homogene Rinde durch den bräunlichen Cambiumring von dem homogenen, citrongelben, im Centrum weissen und markartigen Holz geschieden. Die wurzel ist ohne Geruch, schmeckt anfangs süsslich bitter, später



anhaltend scharf und kratzend und bewirkt Zusammenlaufen von Speichel im Munde, weshalb sie auch als Speichelwurzel bezeichnet wird. Statt der Pfahlwurzel kommen in Handel auch die Theile des gleich dicken und gleich gefärbten aber knötigen Wurzelstockes vor. Man unterscheidet die Seifenwurzel als *Radix Saponariae rubrae* von den als *Radix Saponariae albae* bezeichneten Wurzeltheilen von *Malandrinum sylvestrae* Köhl. und *M. pratense* Köhl., sowie von der Spanischen oder levantischen Seifenwurzel, *Rad. Sap. Levanticae*, den  $\frac{1}{2}$  Zoll dicken, fußlangen Wurzeln von *Gypsophila struthium* L.

[For the rest of the foregoing article, in the original text, see p. —]

Hand-Book  
of the  
Whole Materia Medica,  
with especial regard to the  
Pharmacopœia of the German Empire,  
for  
Physicians and Students;  
Edited by  
Theodore Guseman, M.D.,  
Professor at Göttingen.  
In two volumes.  
Second volume.  
Berlin, 1875.

Printed by Julius Springer,  
Monbijou platz, 3.

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Radix Saponaria - Soaproot.

The officinal comes from the soapwort, Saponaria officinalis (L.), growing on the banks and in the hedges near us. It is one of the plants of the order Caryophyllaceæ; of which all the parts, but more particularly the root, have the peculiarity of giving with water a frothing solution.

This arises from a contained Glucoside, Saponin.

The Soap root, as found in the market, consists usually of the young, cylindrical, simple tap roots; which are either whole and bound in bundles or, to facilitate the drying, split lengthwise and loose; and such are easily distin-





V  
guished by their beautiful brown red, length-  
wise wrinkled, with very small scars, or root-  
fiber ~~marked~~ <sup>marked</sup> surface, and their close even  
fracture.

On the fractured surface, we can see the thin  
white homogeneous bark, separated by the  
brownish cambium ring from the homo-  
geneous citron-yellow; in the centre, white  
and pitted wood.

The root is without smell, tastes first sweetish  
bitter, but later continuously sharp and scraping;  
and produces salivation; whence it is also  
called spit-root.

Instead of the tap root, there are also found  
in commerce some of the like thick and like  
colored but gnarled root-stocks. We distinguish  
the soap roots, as radix saponaria rubra, from  
radix saponaria alba (which consists of the  
roots of Melandrium sylvestriæ Röhl and  
M. pratense Röhl), as well as from Spanish or  
Levant soap root (Radix saponaria levantica -  
the  $\frac{1}{2}$  - 2 inches thick, foot-long roots of the Gyps-  
ophila strathium, L.).

Saponin, which is found in a great num-  
ber of plants of the Caryophyllaceæ, as for ex-  
ample in the Corn Cockle (Agrostema lithrage), also  
in the Senega root, in the Monezia and in the  
so called Panama bark, has the formula  
 $C_{32} H_{54} O_{16}$ : and is a white amorphous neutral





powder; which has at first a sweetish and afterwards a persistent sharp and scratching taste, and when placed on the membrane of the nose gives rise to violent sneezing. It dissolves with difficulty in cold spirits of wine, not at all in ether, easily in water. The aqueous solution, containing only the  $\frac{1}{1000}$  part, etlic foams, on shaking, like soap water.

On standing exposed to the air, white flocks are precipitated, and it disengages carbonic acid gas. Dilute acids split saponin into sapogenin and glucose. By treating for a shorter time, intermediate products are produced. (Reichelder).

✓ Soap root is not used according to the physiological action of <sup>the</sup> saponin; on the contrary its use, like that of sasaparilla, is purely empirical.

Saponin acts sharply as a local irritant; and moreover paralyzes the various parts of the nervous system and muscles. It varies in the intensity of its poisonous action, according to the source from which it is derived. That from the corn-cockle is stronger than that from the Panama bark; the latter is stronger than the glucoside from the Senega root (Pelikan).



the man, doses of from 1 to 2 <sup>100 mg, mms</sup> ~~mg~~ cause a tendency to cough and a secretion of mucus, for several hours. (Schnoff.) Upon wounds or mucous membranes, it causes sharp pains; and, after some hours, a plastic exudation.

The observations of Pelikan on the various kinds of saponin are of interest; showing the benumbing influence upon the spot of application, combined with the diminution of the electric irritability of the nerves and muscles.

Ligature of the vessels and cutting the nerves retard this local anæsthesia.

Unfortunately the inflammatory action of the saponin on the place of application does not permit its therapeutical use in man.

Saponin, taken up in the blood, has a paralyzing action on the muscles and nerves; and affects in a peculiar manner the nerves of the heart, <sup>not only</sup> paralyzing the terminations of the vagus and the inhibitory centres, but also the nerves of acceleration originating from the sympathetic; and finally causes the heart to stand still.

Digitalis causes, in cases of poisoning by saponin, acceleration of the strongly retarded action of the heart, and strengthens the systole of the same; at the same time, it removes the lessening of the blood pressure which is such a striking characteristic of the





action of saponin.

Before paralysis of the heart takes place, the muscular coats of the intestines are also paralyzed.

Further, saponin works quickly upon the vasomotor centre; to specialize, exciting at first, and then quickly paralyzing: also upon the centre of respiration; which is paralyzed suddenly by large doses, and gradually by small.

Frequency of respiration and temperature fall considerably, in poisoning by saponin.

Clonic and tonic spasms observed in such cases seemed to be caused by disturbances of the functions of the heart and respiration.

Yet the application of saponin to the spinal cord of the frog creates, at first, tetanus; afterwards paralysis, passing from the centre towards the periphery. The state of the pupil is inconstant; but, after large doses of saponin, it invariably appears inert and disinclined to dilate.

In the intestines and stomach, saponin produces inflammatory redness. Ptyalism and an increase of other secretions are not produced by it.

These physiological effects, shown by experiments made by H. Köhler, seem to point to the employment of saponin as an



antipyretic, but ~~thus~~ for it has not been used as such.

Dr. Ange says he used it with success in uterine hemorrhages, in doses of 0.15 grammes.

Radix saponaria is mostly used in connection with other vegetable antidiuretics, inwardly, in decoction of 1 to 10 or 1 to 20, in doses of 10 to 15 grammes per day; and is generally ordered in the form of the root.

Formerly it was also used as an ingredient in Kanpf's visceral injections.





# Circuit Court of the United States,

District of Mass., *May* Term, 1878

## IN EQUITY.

*Horace L. Bowker*  
*Gustavus D. Sows*

Complainant

Defendant

## DECREE

FOR PERPETUAL INJUNCTION AND FOR REFERENCE TO A MASTER.

This cause came on to be heard at this *May* Term, *1878* upon the pleadings and proofs, and was argued by counsel for the respective parties:

*And now*

upon consideration thereof, to wit: *Oct. 9, 1878*, It is ORDERED, ADJUDGED AND DECREED, as follows, viz., that the Letters Patent referred to in the complainant's bill, being Letters Patent of the United States, granted unto *Horace L. Bowker of Boston Massachusetts for Improvement in Sinks and Musical Water* numbered *193,476* and dated *July 24, 1877* is a good and valid patent; and that the said *Horace L. Bowker* was the original and first inventor of the improvement described and claimed therein; and that the said defendant has infringed the said patent, and upon the exclusive rights of the complainant under the same.

And it is further ORDERED, ADJUDGED AND DECREED, that the complainant recover of the defendant the profits which he has received or made, or which have accrued to him from said infringement by the manufacture, use or sale of the improvement described, and secured by said Letters Patent at any and all times since the *said July 24 1877* and, in addition thereto, the damages which the complainant has sustained thereby.

And it is further ORDERED, ADJUDGED AND DECREED that it be referred to *Henry L. Hallett Esquire* a master of this Court, to take and report to the Court an account of the profits which the said defendant has received, or which have arisen or accrued to him from the infringement of the patented invention by unlawfully making, using or vending the same as alleged in the bill, and to ascertain and report the damages, if any, in addition to the profits, which the complainant has sustained thereby since the *24<sup>th</sup>* day of *July* A.D. 1877.

And it is further ORDERED, ADJUDGED AND DECREED, that a perpetual injunction be issued against the defendant according to the prayer of the bill.

And it is further ORDERED, ADJUDGED AND DECREED, that the complainant recover of the defendant his costs of suit.

By the Court,

*John G. Stinson* Clerk.

Grace T. Washburn

v

Gustavus D. Hunt

Stearns

Oct 9, 1898

United States Circuit Court,  
District of Massachusetts.

---

Horace L. Souther }  
vs. } In Equity.  
Gustavus D. Dows }

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Whereas, in the above entitled cause, an interlocutory decree was entered on the ninth day of October, 1878, whereby it was ordered, adjudged and decreed, among other things, that it be referred to a master of this Court to take and report to the Court an account of the profits which the said defendant has received, or which have arisen or accrued to him, from the infringement of the patented invention, by unlawfully making, using or vending the same, as alleged in the bill, and to ascertain and report the damages, if any, in addition to the profits, which the plaintiff has sustained thereby, since the twenty-fourth day of July, 1877:—

Now, therefore, it is hereby stipulated and agreed as follows, to wit:

That, to save the necessity of taking said account and ascertaining and reporting as aforesaid, the defendant



1919. Revaluation.

Parker

Inst.



herby admit that said damages and profits amount to the total sum of four hundred dollars, and hereby consent that a final decree may be entered for said amount, exclusive of the costs in this suit. And the complement hereby consents to accept such a decree as a final and satisfactory determination of the amount of his claim for said profits and damages.

John B. Gore  
Attorney for  
William D. Jones

Witness of Robinson,

Attorney for  
George J. Parker



A.D. 1809. --- No 3232

Soda ~~Water~~ <sup>Other</sup> Mineral Waters, Liquors &c.

### Hamilton's Specification

To all to whom these presents shall come  
I, William <sup>Francis</sup> Hamilton, of Lower Mount  
Street, in the City of Dublin, <sup>Gentleman,</sup> do send  
greeting.

Whereas His most Excellent Majesty King  
George the Third by His Letters Patent  
under the Great Seal of the United Kingdom  
of Great Britain and Ireland, bearing  
date at Westminster, the fourth day of  
May <sup>now</sup> last past, did give and grant unto  
me, the said William <sup>Francis</sup> Hamilton my  
<sup>His Special licence, full power, sole privilege and authority, that I, the said William</sup>  
<sup>Francis Hamilton, my executors, administrators, and assigns,</sup>  
administrator, and assign, should and  
lawfully might make, use, exercise and  
vend, within England, Wales, and Town of  
Berwick-upon-Tweed, my Invention of "A  
New Mode of Preparing Soda and other  
Mineral Waters, Spirituous, Aetuous,  
Saccharine, and Aromatic Liquors,  
and sundry Improvements Relative thereto";  
In which said Letters Patent there is contained

a proviso, obliging me, the said William Francis Hamilton, under my hand and seal, to cause a particular description of the nature of my said Invention, and in what manner the same is to be performed, to be enrolled in His Majesty's High Court of Chancery within six calendar months next and immediately after the date of the said in part recited Letters Patent, as in and by the same, relation be thereunto had, may more fully and at large appear.

Now know Ye, that in compliance with the said proviso, I, the said William Francis Hamilton, do hereby declare that my said Invention is fully described and ascertained in manner following, that is to say:-  
I use various solutions of Alkalies, salts &c, and combinations of ardent spirits, vegetable acids, aromatic oils, sugars, Milk, Mucilage &c, for

saturation and supersaturation,  
with Carbonic Acid. - I obtain my  
gas from the decomposition of whiting  
with dilute sulphuric acid, applying  
the whiting in a liquid state, to  
admit of its introduction to the labor-  
atory, in which the carbonic acid is  
disengaged with facility and clear-  
ness; the gypseous Residuum I let off  
also liquid. I expose the solution &c,  
in a strong well-tinned copper vessel,  
under more or less pressure, for the  
absorption of fixed air, which may  
be effected (by its suffering considerable  
~~agitation~~ agitation in a cold bath suspended  
by pendulous tubes) without interrup-  
tion to the injection of solution &c. from  
a condensing syringe or discharge of  
aerated liquor from a decanting stop-  
cock, so that the bottling can exist  
continually. I use a piston solid  
and cylindrical, fitted with a thin  
collar of leathers, at the lower extremity



of the pump; it forces upwards causing the proportionate supply of liquid Mott which is injected by it at the same time with the Carbonic acid, to ~~serve~~ serve as a lute to the collar of leathers already nearly air tight. This principle of liquid luting I apply in every possible instance. The valves I sometimes place in the plugs of the acting stop-cock, so that if they get out of order they can be easily ground air tight again by withdrawing the plugs, in which case the charge may <sup>still</sup> be preserved in the vessel by means of another set of stop-cocks, placed near to it and used only on such occasions, or when it is necessary to anoint the acting ones with a composition of oleaginous soap. Tallow & C. - I generally use a glass or earthen bottle or jar of a long oval form, for several reasons viz, not having a square bottom to stand



upon, it can only lie on its side,  
of course, no leakage of air can  
take place, the liquid <sup>matter</sup> being always  
in contact with the stopper. It permits  
its contents to be poured out more  
easily, and consequently with less  
loss of fixed air. It can be much  
stronger than a bottle or jar of equal  
weight made in the usual form,  
and is therefore better adapted for  
packing, carriage, &c. The neck of  
the bottle <sup>and mouth</sup> are sometimes so formed  
that it may serve instead of a  
drinking glass if necessary. I com-  
monly stop with cork, which, from  
the excessive pressure, generally exist-  
ing within the bottle, flies out on  
the detaining strings being cut;  
but sometimes I use glass or earthen  
stoppers, fitted conically in the usual  
way, or ground in across the neck. I  
also occasionally use stoppers of vari-  
ous ligneous matter, closing the pores

with coatings of insoluble compounds.  
I generally saturate under a pressure  
of 120 lbs.  $\frac{1}{2}$  square inch, which is  
somewhat reduced on the liquors  
being bottled. The decantation is  
effected by stopping the mouth of the  
bottle or jar with a perforated flat  
cork, leather, &c., through which passes  
the decanting tube, so that on opening  
the ~~the~~ cock the aerated liquor rushes  
into the bottle or jar, till resisted by  
the condensation of the atmospheric  
air it originally contained, and a  
portion of carbonic acid gas extracted  
during the effort. The decantation  
is continued by suffering this conden-  
sed air to escape, and when full the  
bottle or jar may be withdrawn and  
stopped easily with care by letting off  
slowly a small portion of the fixed  
air contained before its removal.  
Sometimes I construct the decanting cock

so as to allow the stopper to pass  
into the bottle a few minutes to its  
removal from the flat air-tight fitting,  
by which means the entire pressure, how  
great soever, may be altogether retained.

In witness whereof, I, the said William  
Francis Hamilton, have hereunto set my  
hand and seal, this twenty eighth day of  
October, one thousand eight hundred and nine.

W. F. Hamilton [L.S.]

And he it remembered, that on the twenty  
eighth day of October, in the <sup>fiftieth</sup> year of the reign  
of His Majesty King George the Third, the said  
William Francis Hamilton came before our  
said Lord the King, in His Chancery in  
Ireland, and acknowledged the instrument  
aforesaid, and all and ~~any~~ things therein contained  
and specified, in full above written. And also  
the instrument aforesaid was stamped according  
to the tenor of the Statute made in the forty  
eighth year of His said Majesty's reign -  
Enrolled the second day of November, one  
thousand eight hundred and nine.

Respondents documentary Exhibit Hamilton  
Patent No 1. Dand H Cooley Special Examiner.

Exhibits No 3232

Oct 28, 1809.

W. B. Hamilton  
per me 2. 1809

Specification  
for

Reclaiming Patent



Grand Court of the United States,  
Dist. of Mass.

No 919 Equity

Grace L. Brooks & Gustavus S. Snow.

Costs in Complaint.

Entry	409
Service of Subp <sup>a</sup>	262
Travel 3 Rules & 2 Times $5 \times 33 = 165$	
Att <sup>y</sup> do do $5 \times 33 = 165$	
May 6, 1878 Tr. 33 Att <sup>y</sup> 330	3.63
<sup>30</sup> Schumann as	6.93
Faid Clerk attending record 180 pp @ 18	32.40
Clerk per disposition of Cause.	
Paying 300 D.E. & Cr. 330 Com at R. 90	29.20
Dress 100 S. & 300 Rec 9.00	
Attorney Fee in Cause	20.
On 13 dispositions @ 2.50	32.50
	52.50
Add witnesses - <sup>4</sup> 150 pr each day's Att <sup>y</sup>	119.25
5 crs each way pr m. hand	
" Examiners fees - But actually paid examiners	
" Printing record And actually paid	
" And paid of anything for necessary copies	
" Injunction	1.00
Total costs	



Boston 9/19  
Dear

Love for  
Cousin

# BOWKER'S GUM.

This liquid gum is entirely a new, original and wonderful preparation. Nothing like it has ever before been offered to the public. It works like magic in all liquid preparations where it is desirable to have a sparkling, frothy foam, or "head," as it is called, especially for soda and mineral waters. Where soda or ginger ale is drawn, it fills the glass with a beautiful cream-like foam, which remains for a long time. It is excellent in small beer, for champagne cider, and in all preparations where carbonic acid gas exists, either fermented or charged. Dead ale or Lager Beer that is to be pumped or agitated is greatly improved by using this gum. One or two ounces added to any kind of syrup, for soda fountain use, makes it draw light, frothy and beautiful. In all cases where it is used it will save more than one hundred times its cost by increasing the bulk of the liquid drawn, to say nothing of its greatly improved appearance.

**DIRECTIONS**—For use in bottling ginger ale, mineral waters, beer of all kinds that are charged, where syrups are used, mix thoroughly one or two ounces of the gum to every gallon of syrup, according to the amount of foam you wish. For Soda Fountain use—one ounce to a gallon of syrup is sufficient. For beer that is to be fermented use one or two ounces of gum to every 6 pounds of sugar used in making the beer, or two ounces to every gallon of molasses. For champagne cider use 10 ounces of the gum to 40 gallons of cider; the same for dead ale or lager beer.

## CAUTION.

In order to protect ourselves and customers all labels will have this, our autograph signature.

*H. L. Bowker*

MANUFACTURED IN THIS COUNTRY ONLY BY

**DR. H. L. BOWKER & CO.,**  
**132 MILK STREET, BOSTON.**

Patented in the United States Sept. 12th, 1871, and July 24th, 1877, and in the Dominion of Canada, Aug. 15th, 1877.

*'Compliments, witness, Claimant'*  
*Exhibit B' Davis H. Bowker*  
*Spec. Examined*



Compliments of Mr. Hathaway  
David H. Bowler, Special Examiner.

Office of Vincent, Hathaway & Co., 109, 111, & 113 Broad Street, }  
BOSTON, June 7, 1876.

We are now using Dr. Bowker's Gum, and wish to say that the same is superior to anything of the kind which has come to our notice.

Vincent, Hathaway & Co.





Office of Moses Fairbanks & Co., Howard Street, }  
BOSTON, June 8, 1876.

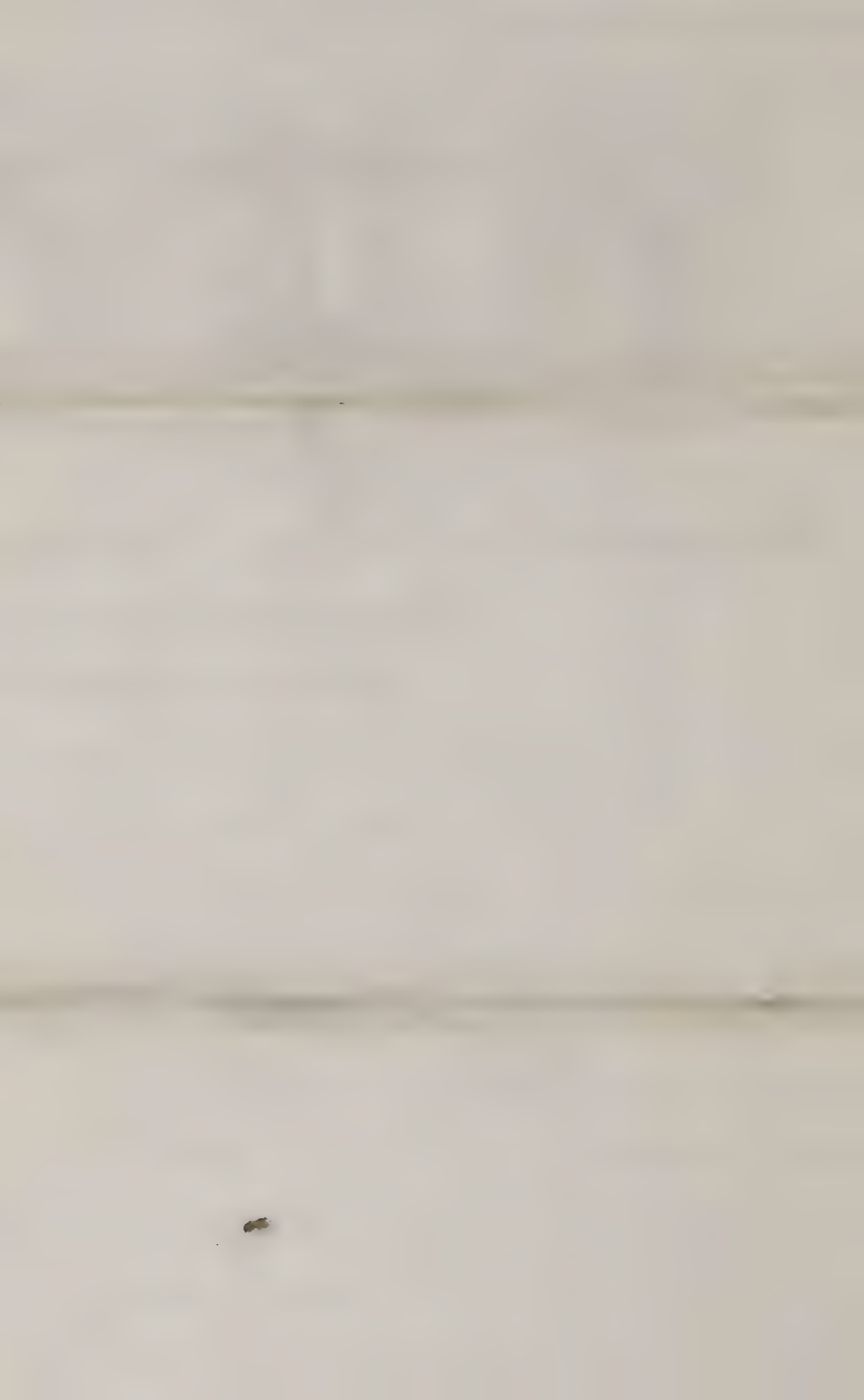
DR. H. L. BOWKER & Co.

Gentlemen:—We are using large quantities of your liquid Gum in our soda and mineral water preparations. For creating a sparkling, frothy foam and body we think it is superior to anything that has ever been in use.

Respectfully yours,

Moses Fairbanks & Co.

Respondents, Luther, Neale & Whit.  
Land H. C. Woodg.  
Special Examiner.



~~# 32 H<sub>54</sub> O<sub>18</sub> Carbonsäure 2~~  
~~32 Äquivalent of Carbon~~  
~~54 " " of Hydrogen~~  
~~18 " " of Oxygen~~  
~~74~~

Das Saponin, welches sich noch in einer größeren Anzahl von Angehörigen der Familie der Caryophyllaceen z. B. in der Kornrade, *Gyrostemma Githago* L., ausserdem in der *Penycmon* in der *Monarda* und in der sog. *Samanea* findet, hat die Formel  $32 H_{54} O_{18}$  und bildet ein weißes, amorphes, neutrales Pulver, welches von anfangs süßlichem, hinterher anhaltend scharfem und kratzendem Geschmacke ist und, auf die Nasenschleimhaut gebracht, zu heftigen Reizen reizt. Es löst sich schwierig in <sup>Kaltem</sup> Weingeist, nicht in Äther, leicht in Wasser. Die wässrige Lösung schäumt erst bei  $\frac{1}{1000}$  Gehalt, beim Schütteln wie Seifenwasser; beim Kochen an der

Luft scheidet sie unter  
Kochensäureentwicklung weißer  
Flocken ab. Verdünnte Säuren  
spalten Saponin in Sapogenin  
und Glykose; bei nicht lange genug  
fortgesetztem Kochen entstehen  
auch intermediäre Spaltungs-  
produkte (Kochleder).

Eine aus der physiologischen  
Wirkung des Saponins sich  
ergebende Anwendung der  
Seifensourel findet nicht statt,  
vielmehr wird dieselbe rein  
empirisch nach Art der Cassa-  
parille gebraucht.

Das Saponin ist ein örtlich/schmerz  
und außerdem auf die verschiedensten  
Partien des Nervensystems und  
die Muskeln lähmend wirkendes  
Stoff, welches in der Intensität

seiner giftigen Wirkung  
 nach, dem zu seiner Darstellung  
 benutzten Material verschieden  
 ist; das aus Korreraden dar-  
 gestellte wirkt stärker als  
 aus der Panamasinde gewonnenes.  
 Letzteres kräftiger als das (Plykain  
 aus der Senega-wurzel (Plikan).  
 Bei Menschen bedingt Saponin  
 in der Dosis von 1 bis 2 Dgm.  
 Hustenreiz und mehrstündige  
 (Absonderung von Schleim <sup>Schleim</sup>)  
 auf Wunden oder Schleimhäuten  
 lebhaften Schmerz, und nach  
 einigen Stunden Absonderung  
 plastischen Exsudats. Interessant  
 ist die bei verschiedenen Arten  
 Saponin von Plikan constatierte  
 vernichtende Wirkung auf die  
 Sensibilität an der Applications-  
 stelle, gleichzeitig mit Abnahme  
 der electrischen Reizbarkeit.



der Nerven und der Muskeln  
 Ligatur der Gefäße und  
 Durchschneidung der Nerven  
 wirken auf das Zustandekommen  
 dieser lokalen Anästhesie ver-  
 langsamend ein.

Leider läßt die entzündliche  
 Action des Japoneins an der  
 Applicationsstelle eine  
 therapeutische Verwendung  
 bei Menschen nicht zu.

Das in das Blut aufgenommene  
 Japonein wirkt lähmend auf  
 Muskeln und Nerven und afficirt  
 in eigenthümlicher Weise die  
 Nerven, indem es sowohl  
 die Vagusnerven und die  
 Hammingcentren als die  
 aus dem Sympathicus stammenden  
 Beschleunigungsnerven lähmt  
 und schließlich Herzstillstand

bedingt,

Digitalin bedingt bei Saponin-  
vergiftung Erschlaffung  
der stark retardirten Herz-  
action und Verstärkung der  
Herzcontractionen, ebenso  
beseitigt es das bei Saponin  
hervortretende Sinken des  
Blutdrucks. Vor Eintritt  
der Herzlähmung wird auch  
die Darmmusculation gelähmt,  
ferner wirkt Saponin rasch  
auf das vasomotorische Centrum  
und zwar zuerst erregend und  
dann rasch lähmend, sowie  
auf das respiratorische Centrum,  
das von größeren Dosen plötzlich,  
von kleineren allmählich gelähmt  
wird. Athemfrequenz und  
Temperatur sinken bei Saponin-  
vergiftung sehr bedeutend.  
Klonische und tonische Krämpfe,  
welche nach Saponin vorkommen,

scheinen auf die Störungen des Herzens und der nun Athembewegungen bezogen werden zu müssen; doch erzeugt Saponisirung des Rückenmarks bei Fröschen anfänglich Tetanus, später vom Centrum nach der Peripherie zu fortschreitende Lähmung. Das Verhalten der Pupille ist inconstant, dagegen findet sich stets nach grossen Dosen Saponin Trägheit und Verlust für Bewegungen. Im Darm und Magen bewirkt Saponin entzündliche Röthung; Speichelfluss und Vermehrung anderer Secretionen ruft es nicht hervor. Diese aus Untersuchungen von H. Köhler sich ergebenden physiologischen Wirkungen lassen das Saponin als ein Antipyreticum an-

wandbar erscheinen, doch ist  
 es in dieser Richtung bisher nicht  
 benutzt. F. Lange will es zu  
 15 Gm pro dosi mit Erfolg bei  
 Mutterblutung gegeben haben.

Die *Radix Saponariae* findet  
 meist in Verbindung mit andern  
 vegetabilischen Enticlyscratien  
 innerlich im Decoct (1: 10-20,  
 zu 10-15 Gm pro die) Anwendung  
 und wird gewöhnlich in  
 Speciesform verordnet. Früher  
 kann sie auch häufig als  
 Bestandtheil der Kämpf'schen  
 Visceralclystiere in Gebrauch.



Respondents, intra, Pfeffer & Whit  
David H. Corlidge  
Speciai Examers

CHENEY & MYRICK,

## JOBBER'S IN DRUGS, CHEMICALS, ESSENTIAL OILS, &c.

NO. 15 UNION STREET,  
BOSTON.

	Press'd.	Pow'd.		Press'd.	Pow'd.		Press'd.	Pow'd.
Abscess Root.....	100		Butter Cup.....	50		Elder Bark.....	25	
Aconite Leaves.....	25		Butternut Bark.....	15	20	“ Berries.....	50	
“ Root.....	22	30				“ Flowers.....	25	
Agrimony.....	20		Cancer Root.....	25		“ Root, Dwarf.....	25	
Alder Bark, Black.....	20	25	Canella.....	20	25	Elecampane Root.....	20	25
“ “ Rad.....	15	26	Canker Weed.....	25		“ Ground.....	20	
Althea, Cut.....	30		Caraway Seed.....	17	25	Elm Bark, Slippery, Extra.....		
Alum Root.....	22		Cardinal Flowers.....	30		“ “ Ground.....	20	
Angelica Leaves.....	18		Cardus, Spotted.....	25				
“ Root.....	25		Carrot Seed, (Wild).....	25		Fennel Seed.....	20	25
“ Seed.....	25		Cascarilla.....	15	20	Fern, Male.....	25	
Angustura Bark.....	35		Catnip.....	18		“ Sweet.....	20	
Apple Tree Bark.....	20		Cayenne, Af. Pure.....		50	Feverbush.....	25	
Arnica Flowers.....	25		Celandine, Garden.....	25		Feverfew.....	38	
“ Root.....	30		“ Wild.....	18		Fireweed.....	25	
Ash Bark, Mountain.....	20		Centaurry, Red.....	25		Fit Root.....	45	
“ Prickly.....	20	25	Chamomile Flowers.....			Fivefinger.....	25	
“ White.....	25		“ Low.....	100		Flonbade.....	20	
Ash Berries, Prickly.....	35		Chokeberry Leaves.....	20		Foxglove.....	22	25
A-ja-agus Root.....	50		Cherries, (Dried).....	50		Frostwort.....	25	
Avens Root.....	20	35	Cherry Bark, (Wild).....	12	16			
			Chestnut Bark.....	25		Garget Berries.....	25	
Balm Gilead Buds.....	40		“ Leaves.....	25		“ Root.....	18	25
“ Lemon.....	25		Chickory Herb.....	18		Gelsemium.....	25	
“ Sweet.....	25		Chickweed.....	25		Gentian Root.....	15	18
Balmomy.....	20	25	Cicely, Sweet.....	75		Ginseng Root.....		
Balsam, Sweet.....	20		Cicuta Leaves.....	20	30	Golden Rod.....	20	
Barberry Bark.....	25	30	“ Seeds.....	50		Goldenseal Root.....	25	30
Basil, Sweet.....	25		Clary.....	30		Goldthread.....	50	
Basswood Bark.....	25		Cleavers.....	22		Gravel Plant.....	25	
Bayberry Bark.....	12	15	Clover Heads, Red.....	25				
“ Leaves.....	25		“ “ White.....	30		Hackmetack Bark.....	18	
Beech Bark.....	20		Cocash Root.....	50		Hair Cap Moss.....	22	
“ Drops.....	25		Cohosh, Black Root.....	15	18	Hardhack.....	20	
“ Leaves.....	20		“ Blue.....	18	25	Heal-all.....	18	
Belladonna Leaves.....	35	40	“ Red.....	25	30	Heart's-ease.....	18	
Bellwort.....	50		“ White.....	25	28	Hellebore Root, Black.....	25	33
Beth Root.....	25	30	Coldwater Root.....	50		“ “ White.....	22	28
Betony Weed.....	50		Colombo.....	20	25	Hemlock Bark.....	12	15
Birch Bark, Black.....	15	20	Coltsfoot Leaves.....	20		“ Leaves.....	20	
Bitter Root.....	30	35	“ Root.....	40		Henbane Leaves.....	30	35
Bittersweet Bark.....	35	40	Coolwort.....	50		Hollyhock Flowers.....	60	
“ Twigs.....	20		Comfrey Root.....	20	25	Hops.....	25	
Black Root.....	25	30	Cotton Root Bark.....	30	35	Horehound.....	20	
Blackberry Bark, (of Root).....	20	25	Cow Parsnip Root.....	75		Horsemint.....	20	
Blood Root.....	18	20	“ Seed.....	75		Horseradish Leaves.....	20	
Blue Flag Root.....	25	30	Cramp Bark.....	20	25	“ Root.....	30	
B. meset.....	18	20	Cranebill Root.....	20	22	House Leek.....	50	
Borage.....	30		Crawley Root.....	100	110	Hydrangea.....	25	
Boxwood Bark.....	20	25	Cuckold.....	25		Hyssop.....	20	
“ Flowers.....	25		Culver's Root.....	25	28			
Brooklime.....	40					Iceland Moss.....	17	
Broom Herb.....	30		Daisy Flowers.....	25		Indian Hemp, Black.....	30	35
Buckbean.....	26		Dandelion Herb.....	20		“ “ White.....	22	30
Buckhorn Brake Root.....	25		“ Root.....	20	22	Indian Physic.....	20	
Buckthorn Berries.....	75		Dittany.....	25		Indian Turnip.....	25	28
Bugle, Bitter.....	20		Dock Root, Yellow.....	20	25	Indigo Root, Wild.....	20	28
“ Sweet.....	20		Dog Grass.....	25		Ivy, Am. Bark.....	30	
Burlock Leaves.....	18		Dragon Root.....	25	28	Ivy, Ground.....	20	
“ Root.....</								

*CHENEY & MYRICK, Wholesale Druggists, 15 Union Street, Boston.*

	Press'd.	Pow'd.		Press'd.	Pow'd.		Press'd.	Pow'd.
Jacob's Ladder.....	25		Pleurisy Root.....	25	30	Thorn Apple Leaves.....	20	25
Johnswort.....	20		Poke Berries.....	25		"    "    Seed.....	20	
Juniper Berries.....	12		Poke Root.....	18	22	Thyme.....	30	35
			Polypody.....	30		Tilia Flowers.....	100	
Knot Grass.....	25		"    Root.....	40		Tormentilla Root.....	50	
Kousso.....			Pomegranate Peel.....	30	50	Turkey Corn.....	25	30
Labrador Tea.....	25		Poplar Bark.....	12	15			
Ladies' Slipper.....	25	30	Poppy Flowers.....	100		Unicorn Root.....	25	30
Larkspur Herb.....	40		"    Heads.....	50		Uva Ursi.....	15	20
"    Seed.....	200		"    Leaves.....	50				
Laurel Leaves.....	25	30	Princes' Pine.....	20	25	Valerian, Am.....	25	30
Lavender Flowers.....	22		Ptelia Bark.....	40	50	"    Root, Eng.....	25	30
Lettuce, Garden.....	22		Pumpkin Seeds.....	18		Vervain, Blue.....	20	
"    Wild.....	25					Violet, Blue.....	40	
Life Everlasting.....	18		Quassia.....	15		Virgin's Bower.....	35	
Life Root.....	25	30	Queen of Meadow, Herb.....	20				
Lily Root, White.....	20	25	"    "    Root.....	20	25	Wahoo Bark.....	35	40
"    Yellow.....	20	25	Queen's Root.....	25	30	Walnut Bark.....	25	
Liverwort Noble.....	30		Quince Seed.....	100		"    Leaves.....	25	
Lebelia.....	25	30				Water Cup.....	25	
"    Seed.....	40	50	Raspberry Leaves.....	18		Water Melon Seeds.....	25	
Lovage Leaves.....	25		Rhatany Root.....	40		Water Pepper.....	18	
"    Root.....	40		Rhubarb, Am.....	50	60	Whitewood Bark.....	20	25
Lungwort.....	30		Rockbrake.....	30		Whortleberries.....	50	
Lupuline.....	100		"    Root.....	40		Wickup Root.....	50	60
			Roman Wormwood.....	20		Wild Turnip.....	25	28
Maiden Hair.....	20		Rose Flowers, Red.....	75		Wild Yam.....	25	30
Mallow, Low.....	20		"    White.....	150		Willow Bark.....	25	
"    Marsh.....	20		Rosemary Leaves.....	20		"    "    Pussy.....	25	30
"    "    Root.....	25	30	Rose Willow Bark.....	25		Wintergreen.....	20	
Man Root.....	25	30	Rosin Weed.....	30		Witch Hazel Bark.....	18	22
Mandrake Root.....	16	18	Rue Herb.....	30		"    "    Leaves.....	18	22
Maple Bark, Red.....	22					Wormseed.....	20	
Marjoram, Sweet.....	30	36	Saffron.....	50		Wormwood.....	20	
Marsh Rosemary Root.....	25	30	Sage.....	20				
Marygold Flowers.....	75		"    Ground.....	25		Yarrow.....	20	
Masterwort Root.....	75		"    Willow, Bark Root.....	50		Yellow Jessamine.....	25	30
"    Seed.....	75		"    "    Herb.....	50		"    Parilla.....	20	25
Matico Leaves.....			Sanicle Root, Black.....	100		"    Root.....	25	
Mayweed.....	18		Sarsaparilla Root, Am.....	20	25			
Meadow Fern Burrs.....	60		Sassafras Bark, Am.....	15	18			
"    Leaves.....	25		"    Pith.....	100				
Mezereon Bark.....	50		Savin.....	20	25			
Milkweed Root.....	25	30	Scabious, Sweet.....	20				
Moccasin Root.....	25	30	Scabish.....	20				
Moosewood Bark.....	20		Scrofula Plant.....	50				
Motherwort.....	20		Sculcap.....	25	30			
Mountain Dittany.....	25		Senega Root.....					
"    Mint.....	25		Senna, Am.....	18				
Mouse Ear.....	20		Side Saddle Plant.....	25				
Mugwort.....	20		"    Root.....	50				
Mullein Leaves.....	20		Skunk Cabbage Root.....	25	30			
Mustard Seed, Black.....	18		Snakehead.....	20	25			
"    "    White.....	15		Snake Root, Canada.....	40				
			"    "    Virginia.....	35	40			
Nannybush Bark.....	25		Soaptree Bark.....	30				
Nerve Root.....	25	30	Soapwort.....	25				
Nettle Herb.....	25		Solomon Seal Root.....	25	30			
"    Root.....	25		Sorrel Leaves.....	25				
			Southernwood.....	35				
Oak Bark, Black.....	20	30	Spearmint.....	20	25			
"    Red.....	20	30	Spikenard Root.....	20	25			
"    White.....	12	18	Squaw Vine.....	25				
Oak Jerusalem.....	25		Stillingia Root.....	25	30			
"    "    Seed.....	20		Stone Root.....	20	25			
Orange Peel.....			Stramonium Leaves.....	20	25			
Osier Bark, Green.....	20		"    Seed.....	20				
			Strawberry Leaves.....	25				
Paireira Brava.....			Succory Herb.....	18				
Parilla, Yellow Root.....	20	25	"    Root.....	22				
Parsley Leaves.....	20		Sumach Bark.....	18				
"    Root.....	30		"    Berries.....	18				
Partridgeberry Vine.....	25		"    Leaves.....	18				
Peach Bark.....	20		Summer Savory.....	25	30			
"    Leaves.....	25		Sunflower Seed.....	40				
"    Pits.....	30		Sweet Clover.....	25				
Pennyroyal.....	20		Sweet Flag Root, Am.....	20	25			
Peony Flowers.....	75		Sweet Gale Burrs.....	60				
"    Root.....	50		"    "    Herb.....	25				
Peppermint.....	20	25	Sweet Gum Bark.....	50				
Pilewort.....	25							
Pine Bark, White.....	18		Tamarac Bark.....	18	20			
Pine Pitch, ".....	15		Tansy.....	18				
Pink Root.....			Thimbleweed.....	25				
Plantain Leaves.....	20		Thistle Herb.....	25				
			"    Root.....	30				

*Extra charge of 6 cents per pound for Herbs in one, two or  
four ounce packages.  
Roots and Barks crushed or granulated, and pressed in  
one pound Packages only.*



Complimentary Exhibit No 1. Dana H. Coolidge,  
Special Examiner.

[65.]

DEPARTMENT OF THE INTERIOR,  
UNITED STATES PATENT OFFICE.



To all Persons to whom these Presents shall come, Greeting:

This is to Certify that the annexed is a true copy from

the Records of this Office of the Letter Patent  
granted Horace L. Bowker Dated  
July 24<sup>th</sup> 1877 #193,476

for  
"Improvement in Syrups and Mineral  
Waters"

In testimony whereof, I,

*A. H. Coolidge*

ACTING COMMISSIONER OF PATENTS, have caused the SEAL of the  
PATENT OFFICE to be hereunto affixed this Ninth  
day of January, in the year of our Lord one  
thousand eight hundred and seventy-eight, and of the Inde=  
pendence of the United States the one hundred and second.

*M. B. Coolidge*

Acting Commissioner.





No. 11,414



TO ALL TO WHOM THESE PRESENTS SHALL COME:

“Whereas *Horace L. Bowker*

*Boston, Massachusetts*

has presented to the Commissioner of Patents  
a petition praying for the grant of **LETTERS PATENT** for an alleged new and useful

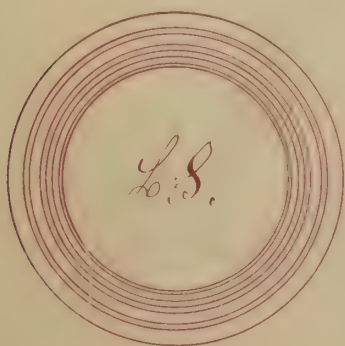
*Improvement in*  
*Syrups and Mineral Waters &c.*

a description of which invention is contained in the Specification of which a copy  
is herewith annexed and made a part hereof, and has complied with the various  
requirements of Law in such cases made and provided; and

“Whereas upon due examination made the said Chairman adjudged  
to be justly entitled to a Patent under the Law;

Now therefore these **LETTERS PATENT** are to grant unto the said

*Horace L. Bowker* his heirs or assigns  
for the term of *seventeen* years from the day of  
*July* one thousand eight hundred and *seventy*,  
the exclusive right to make, use and vend the said invention throughout  
the United States and the Territories thereof.



In testimony whereof I have herewith set my  
hand and caused the seal of the Patent Office  
to be affixed at the City of Washington:  
this *Twenty-fourth* day of *July*  
in the year of our Lord one thousand eight  
hundred and *seventy seven* and of  
the Independence of the United States  
of America the *One hundred*

Countersigned:

*Ellis Spear*

Commissioner of Patents.

*A. S. Hall*

Acting Secretary of the Interior.



# UNITED STATES PATENT OFFICE.

HORACE L. BOWKER, OF BOSTON, MASSACHUSETTS.

## IMPROVEMENT IN SIRUPS AND MINERAL WATERS, &c.

Specification forming part of Letters Patent No. **193,476**, dated July 24, 1877; application filed July 7, 1877.

### *To all whom it may concern:*

Be it known that I, HORACE L. BOWKER, of Boston, in the county of Suffolk and State of Massachusetts, have invented certain new and useful Improvements in Sirups and Mineral Waters, &c.; and I do hereby declare that the following is a full, clear, and exact description thereof, which will enable others skilled in the art to which it appertains to make and use the same.

My invention relates to improvements in sirups, mineral waters, ciders, beers, ales, or in any and all liquids containing carbonic-acid gas, whether natural or artificial, for the purpose of creating and sustaining a sparkling, frothy foam or head on the drink when drawn from the bottle or fountain, &c., or in whatever manner drawn; and this my invention consists in combining with sirups, mineral waters, or drinks, as aforesaid, a small quantity of saponin extracts produced from any vegetable matters containing saponin—such as, for instance, “soap-bark” from the *Quillaya saponaria* tree, the root and leaves of “soap-wort,” (*Saponaria officinalis*), seneca or snake-root, and of the various species of smilax, or other vegetable products containing saponin, as aforesaid.

The saponin extract may be obtained from the vegetable products containing the same by soaking, steeping, or boiling such products in water, alcohol, ethers, or any other menstruum or process, by which the saponin properties are extracted. This liquid extract of saponin is or may be separated and prepared by any other convenient process, and is afterward filtered and strained, and is then ready to be mixed with the sirup, mineral waters, and aerated liquors, &c. This gum or liquid containing saponin, when mixed in small quantities with sirups, mineral waters, liquors, &c., as above-named, produces a very beautiful sparkling, frothy foam or head on the drink, and, what is still better, this foam remains on the drink for quite a long time, so that the carbonic-acid gas in the drink is prevented from escaping, and thereby retains the vivacity and invigorating properties of the drink a long time after it is drawn.

Where soda-water or ginger-ale is drawn, it fills the glass with a beautiful cream-like foam, which remains for a long time. It is also excellent in small-beer, for champagne-cider, and in all preparations where carbonic-acid gas exists, either fermented, charged, natural, or artificial.

This saponin gum is very pure and wholesome, will not hurt or spoil or make any liquid morbid or cloudy, whether used in large or small quantities. It has also the tendency to preserve beer and sirups from souring.

The advantage of the froth and foam produced by this mixture of saponin extract with the drinks, as aforesaid, is not merely to please the eye, but it tends to hold the carbonic-acid gas a long while in the liquid after it is drawn, which makes the drink taste more palatable and pleasant.

Where this saponin extract is used, the soda-water, ginger-ale, or whatever it is used in, need not be charged as high by 20° to produce the same effect, by which a great saving is made to parties who charge liquids or drinks with carbonic-acid gas. The chief merit of combining this saponin extract with sirups, mineral waters, &c., is that it prevents the carbonic-acid gas from escaping from the tumbler, and, as is well known, when soda-water, beers, &c., are drawn in an open tumbler, the gas escapes so rapidly that unless it is drunk instantly it is flat and worthless.

Having thus fully described my invention, I wish to secure by Letters Patent, and claim—

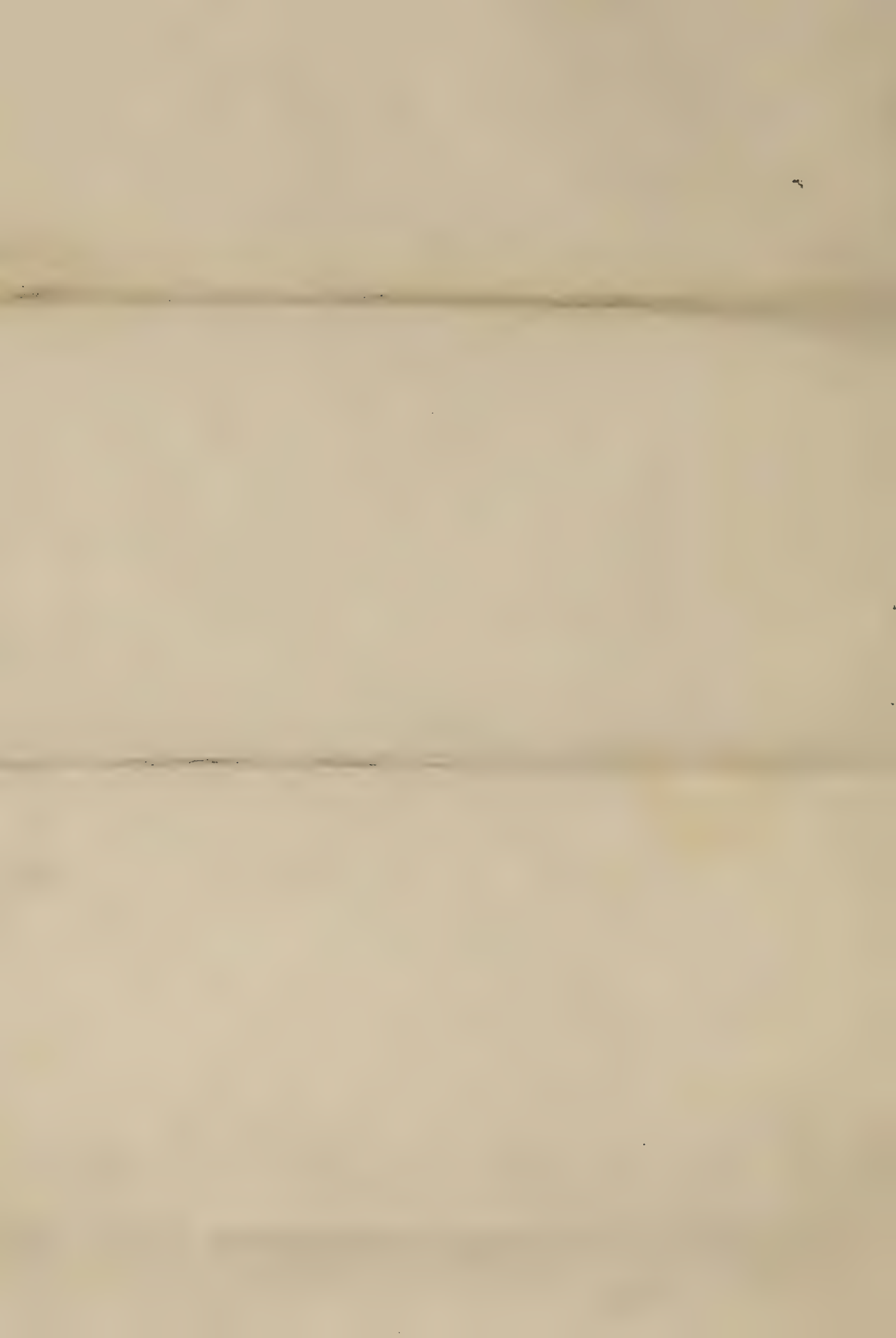
The combination of saponin extracted from vegetable products with sirups, mineral waters, ciders, beers, ales, &c., or other liquids containing carbonic-acid gas, whether natural or artificial, as and for the purpose herein set forth and described.

In testimony that I claim the foregoing as my own invention I have affixed my signature in presence of two witnesses.

HORACE L. BOWKER.

Witnesses:

ALBAN ANDRÉN,  
HENRY CHADBOURN.





Circuit Court of the United States.  
District of Massachusetts.

In Equity.

Horace L. Bowker }  
                  <sup>N</sup> }  
Gustavus D. Dows. }

Replication.

The Plaintiff, saving and reserving to himself all and all manner of exception or otherwise to the manifold insufficiencies of the answer, for replication thereto, says he will aver and prove the bill to be true, certain and sufficient in the law to be answered unto; and that the defendant's answer is uncertain, untrue, and insufficient to be replied unto; without this, that any matter or thing in the answer material or effectual to be replied unto, confessed and avoided, traversed or denied, is true. All which this repliant is and will be ready to aver and prove as this Honorable Court



shall direct, and humbly prays as in and by  
his bill, he has already prayed.

A. J. Robinson.

Solicitor for Plaintiff.



919  
Hence L. Parker  
vs  
Lawrence D. Pears.

## Replikation.



Service of a copy of  
the within Replikation  
is hereby admitted,  
this eleventh day of  
December, A.D. 1877.

James B. Moore  
Solicitor for Plaintiff.

H. Robinson,  
Solicitor for Plaintiff.

UNITED STATES OF AMERICA.

Massachusetts District, ss.

To  
Gustavus D. Davis  
of Boston in our District of  
Massachusetts.

GREETING:

FOR CERTAIN CAUSES, offered before the Circuit Court of the United States of America, for the first Circuit, within and for the Massachusetts District, as a Court of Chancery, WE COMMAND AND STRICTLY ENJOIN YOU, laying all other matters aside, and notwithstanding any excuse, that you personally be and appear before our said Circuit Court at the Rules, to be holden at the Office of the Clerk of our said Court, in Boston, in said District, on the first Monday, being the *fifth* day of *November* next, to answer to a Bill of Complaint exhibited against you in our said Court, wherein

*Horace L. Bowker of said  
Boston*

2

*is* Complainant and you are Defendant ;  
and to do further and receive that which our said Circuit Court shall consider in this behalf. And this you are in no wise to omit, under the pains and penalties of what may befall thereon.

Witness, the Honorable *Merrison R. Wait* at Boston,  
this *twelfth* day of *October* A. D. 187*7*, in  
the ~~ninth~~ *102<sup>nd</sup>* year of the Independence of the United States of America.

*Alex. H. Trowbridge*  
Deputy Clerk.

MEMORANDUM. The defendant is to enter his appearance in the suit in the Clerk's Office on or before the day at which the writ is returnable, otherwise the bill may be taken *pro confesso*.

In Equity,

Henry L. Bowler

Guillaume D. Dard

SUBPOENA,

RETURNABLE, Nov 23 RULES,

To wit, Nov 5<sup>th</sup> 1877.

A. J. R. Bowler

Attorney.

United States }  
Marshal. }

*John 12*

*Dec 7. 762*  
*copy \$7.82*

United States of America, }  
MASSACHUSETTS DISTRICT, SS. }  
I hereby certify that I have served the within Subpoena by  
the within named Guiltless D. Dard a  
true and correct copy of the same.

*John 12*  
*1877*



UNITED STATES OF AMERICA.

Massachusetts District, ss.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To

Gustavus S. Dowd of Boston  
in said District -

Your Agents and Servants, GREETING.

WHEREAS

Honace L. Bowker of said  
Boston

has *S* exhibited *his* Bill of Complaint before the Justices of our Circuit Court of the United States for the First Circuit, begun and holden at Boston, within and for the District of Massachusetts, on the *fifteenth* day of *May* A.D. 1878, against you the said

Gustavus S. Dowd

praying to be relieved touching the matters therein complained of, and whereas, by an Order from said Court, made on the *ninth* day of *October* A. D. 1878, it was ordered that a Writ of Injunction issue under the Seal of the said Court, to restrain you and each and every of you, from doing all the matters and things from the doing of which you are prayed to be restrained in said Bill, according in full with the prayer of said Bill.

WE therefore, in consideration thereof, ENJOIN AND COMMAND you each, and every of you that from and immediately after the receipt and notice of this our Writ, by you, or any of you, you shall not *make use or sell the combination of Saponin extracted from vegetable products with syrups, mineral waters, ciders, beers, ales, &c or other liquids containing carbonic acid gas whether natural or artificial, described and claimed in Letters Patent of the United States No 193476 granted said Bowker July 24, 1877 for Improvement in Syrups and Mineral waters*

WHEREOF you are not to fail on pain of ten thousand dollars, to be levied on your and each of your goods, chattels, lands and tenements, to our use.

Witness the Honorable *Charrison R. Waite*, at Boston,  
this *first* day of *November* in the year of our Lord one thousand  
eight hundred and seventy *eight*

*John S. Stetson* Clerk.

Remitt 2

United States of America,  
MASSACHUSETTS DISTRICT, ss. }

~~I HEREBY CERTIFY that I have notified the within named respondent~~

I Dana B. Stone acting as attorney for and on behalf of Gustavus D. Stone do hereby certify that said Gustavus D. Stone accept of the service of the within ~~respondent~~ writ of injunction  
Dana B. Stone  
attorney for and in behalf  
Gustavus D. Stone

919

Stone v. Stone

IN EQUITY,

5751212

Gustavus D. Stone

WRIT OF INJUNCTION.

Apr. 1, 1878



Circuit Court of the United States  
District of Massachusetts

In Equity

The answer of Gustavus D. Dows to the Bill  
of Complaint of Horace L. Bowker.

The defendant now and at all times  
hereafter saving and reserving to himself,  
according to the approved formula in that  
regard, every benefit of exception to the bill  
aforesaid, for answer unto so much thereof  
as he is advised it is material that he  
should make answer unto, answering says:

I.—He admits, upon information and belief,  
the grant of the Letters Patent to the complain-  
ant as alleged in said bill; but requires their  
production at the hearing and when the  
proofs are taken.

II.—He denies that the complainant was  
the original and first inventor of the im-  
provement set forth and claimed in said  
Letters Patent. And he avers, upon informa-  
tion and belief, that previous to the alleged  
invention of said improvement by the com-  
plainant, it was known to the persons whose  
names and residences are first set forth  
in the following list, as having been used



by those whose names respectively are set opposite the names of those having such knowledge, and at the places over against their respective names, to wit:

Witnesses	Residence	Users	Where
D. H. Vincent	Boston	Vincent, Hathaway & Co.	Boston
Levi S. Hathaway	"	" " "	"
Moses Fairbanks	"	Moses Fairbanks & Co.	"
J. Bartlett Patten	"	J. Bartlett Patten	"
Joseph S. Brown	"	Joseph S. Brown	"
A. G. Wilbur	"	A. G. Wilbur	"
Frank B. Dole	"	Dole Brothers	"
W <sup>m</sup> A. Guild	South Boston	W <sup>m</sup> A. Guild	South Boston
Charles S. Gore	Cambridgeport	Cornstock, Gore & Co.,	Boston
Hiram M. Cornstock	"	" " "	"
Daniel Sands	Dorchester	" " "	"
Levi Fairbanks	Cambridge	Moses Fairbanks & Co.	"
Otis S. Keale	"	" " "	"
James W. Tufts	Medford	James W. Tufts	"
J. D. Burbank	Charlestown	J. D. Burbank	"
Charles S. Copeland,	Stoneham	Charles Copeland & Son	"
John K. Southmayd	Malden	John K. Southmayd	"
C. J. Hood	Lowell	C. J. Hood & Co.	Lowell
C. M. Ballard	Worcester,	C. M. Ballard	Worcester
Albert Aiken,	C. Somerville,	Albert Aiken	C. Somerville
S. B. Winn,	Salem,	S. B. Winn	Salem
C. J. Clapp	Foxborough	C. J. Clapp	Foxborough
Oliver Johnson	Providence	Oliver Johnson	Providence





Hedgman	New York city,	Hedgman	New York
E. R. Durkee	" " "	E. R. Durkee & Co.	" " city
Hudnut	" "	Hudnut	" " "
Benj W. Dyer	" "	Benj W. Dyer	" " "
Frederick Brown	Philadelphia	Frederick Brown	Philadelphia
Wm B. Burke	"	Wm B. Burke & Co.	"
G. W. Carpenter	"	G. W. Carpenter	"
James Bailey	Baltimore	James Bailey	Baltimore
Henry A. Elliott	"	Henry A. Elliott	"
John B. H. Jefferson	"	John B. H. Jefferson	"
John W. Drew	Washington	John W. Drew	Washington
Henry Sweet	Chicago	Henry Sweet	Chicago
H. A. Hurlbut	"	H. A. Hurlbut	"
J. S. Merrill	St. Louis	J. S. Merrill	St. Louis

III.- And this defendant, further answering avers, upon information and belief, that Letters Patent for a mode of "Saturating and super-saturating with carbonic acid" which embraces the mode set forth and described in the complainant's said patent, was granted in England to William Francis Hamilton, dated May 4th 1807, and enrolled November 2<sup>d</sup> 1807.

IV.- This defendant avers and charges, that the description and specification of the complainant alleged and pretended invention contained in his said patent does not describe the same in such full, clear, and exact terms, as to enable any



person skilled in the art to which it appertains or with which it is most nearly connected, to make, compound, and use the said invention, without the aid of repeated experiments and discovery; and that the complainant, well knowing the defectiveness of said description and specification, and that they contained less than the whole truth relative to the said invention, did, as this defendant is advised and believes, file the same in the patent office for the purpose of deceiving the public; and that the public, moreover, have been deceived and misled thereby.

V.- This defendant, further answering says he does not know and is not informed, save in and by said bill of complaint against him, whether said complainant has invested and expended large sums of money, and has been to great trouble in and about said alleged invention, and for the purpose of carrying on the business and manufacturing and selling the same, and making the same profitable to himself and the public; and this defendant denies the allegations to that effect in said bill of complaint, and leaves the complainant to make such proof thereof as he may be advised is expedient and useful.

VI.- This defendant denies, upon knowledge, information and belief, that said alleged invention





has been and is of great benefit and advantage to the public and to said complainant; and that the public have very largely or to any great extent, acknowledged and acquiesced in his alleged rights and claims.

VII.- This defendant avers that he has no knowledge or information sufficient to form a belief as to whether the anticipation of the complainant set forth in his said bill, respecting the gains and profits which he may receive under his said Letters Patent, if the alleged infringement thereof is prevented will or will not be realized; and he leaves said complainant to make such proof thereof as he may be advised is material.

VIII.- This defendant denies that he has ever contrived or is now contriving to injure the complainant and to deprive him of the benefits and advantages which would rightfully accrue unto him from said alleged invention; and denies that he has ever infringed or is now infringing the complainant's said Letters Patent, and that he ever threatened or now threatens so to do; and denies that he has ever been guilty of any act or avowal whatsoever which would have the effect to encourage or induce such infringement on the part of others.

IX.- He admits the receipt by him of notice of the infringement with which he stands charged in said bill of complaint.



¶ He denies all and all manner of unlawful combination and confederacy wherewith he is by <sup>the</sup> said bill charged; and denies each and every other allegation in the said bill contained, not hereinbefore admitted controverted or denied; without this that there is any other matter, cause or thing in the said complainants' bill of complaint contained, material or necessary for this defendant to make answer unto, and not herein and hereby well and sufficiently answered, confessed, traversed and avoided or denied, is true, to the knowledge or belief of this defendant; all which matters and things this defendant is ready and willing to aver, maintain and prove, as this Honorable Court shall direct; and humbly prays to be hence dismissed with his reasonable costs and charges in this behalf most wrongfully sustained.

Gustavus D. Dows

United States of America {  
District of Massachusetts } ss

On this eleventh day of December, 1877, before me came Gustavus D. Dows who being by me duly sworn, says; that he is the defendant herein; that he has read the foregoing answer subscribed by him, and knows the contents thereof; and that <sup>the</sup> same is true of his own knowledge, except as to matters stated on information and belief, and as to those matters he believes it to be true.

Subscribed and — Gustavus D. Dows

sworn to before me, this eleventh day of December, 1877,  
at City of Boston. J. J. [Signature] Public



919  
Horace L. Barker

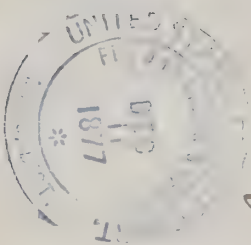
v.  
Guillaume D. Dore

Respondents

Answer

Service of a copy of the written  
answer is hereby acknowledged  
the eleventh day of  
December A.D. 1877

W. H. Robinson  
Solicitor for Dore



District Court of the United States,  
District of Massachusetts.

Ernest L. Bowker }  
Sustains R. Rows }

In Equity.

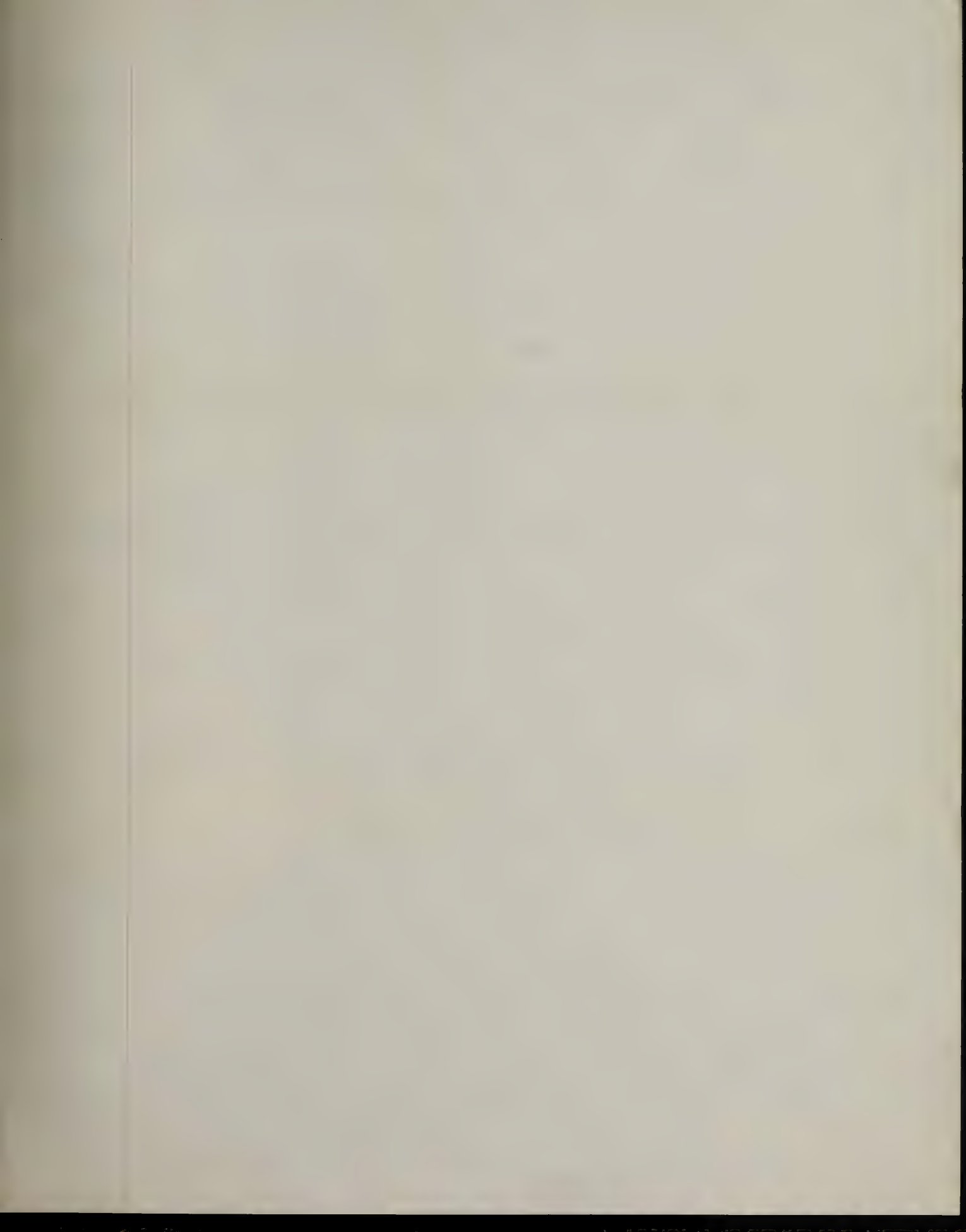
It is hereby stipulated and agreed that David H. Woodidge, Esq. of Boston, may, on appointment by the Court, serve as special Examiner under and in accordance with the 67<sup>th</sup> rule in equity, for the taking of evidence in the above entitled cause.

A. J. Robinson, Complainant's Solicitor.

Dana B. Gove Resp. Solicitor.

Boston, Dec. 12<sup>th</sup> 1877.







Herace L. Bonetta

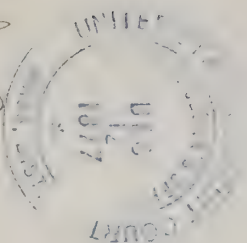
William D. Bond

Deputation

1815

Special Examiner

Almond David J



J. Robinson  
Comptroller's Office  
San Diego, Cal.

United States Circuit Court,  
District of Massachusetts.

Horace L. Bowker }  
" } In Equity.  
Gustavus D. Dows. }

Consent is hereby given, that the answer in the above entitled cause may be filed and a copy thereof served on the complainant, at any time previous to December 15<sup>th</sup>, 1877, with the same effect as if done in accordance with the rule of Court relating thereto.

A. J. Robinson, Solicitor for Complainant.

November 1, 1877.

Lana B. Gore  
Solicitor for Defendant

Worce & Souren  
N  
Quelara D. Dours.

Stipulation.



Bill of Complaint  
in the  
Circuit Court of the United States  
In Equity.  
=====

To the Honorable the Judges of the Circuit  
Court of the United States, for the District of  
Massachusetts.

Horace L. Bowker, of Boston,  
in the County of Suffolk and  
Commonwealth of Massachusetts,  
brings this Bill of Complaint  
against  
Gustavus D. Dows,  
of said Boston.

And thereupon your orator complains and says:  
That he is informed and believes himself to be  
the original and first inventor of a new and  
useful improvement in syrups and mineral<sup>waters</sup> et  
ceterae, fully described in the Letters Patent here-  
inafter mentioned, and which had not been known  
and used before his said invention, and which at  
the time of his application for a patent, as here-  
inafter mentioned, had not been for more than  
two years in public use or on sale with his con-  
sent or allowance.

And your orator, on information and belief  
further shows unto your Honors, that the said



Bowker, being so, as aforesaid, the first inventor and discoverer of said improvement and being also a citizen of the United States, did on the 24<sup>th</sup> day of July 1877, upon due application therefor, obtain Letters Patent of the United States for said invention, in due form of law, under the seal of the Patent Office of the United States, signed by the Secretary of the Interior, and countersigned by the Commissioner of Patents of the United States, bearing date the day and year last aforesaid, whereby there was granted and secured to the said Bowker, his heirs, administrators, and assigns, or intended so to be, for the term of seventeen years from and after the date of the said Letters Patent, the full and exclusive right to make, use and vend to others to use the said invention and improvement, as set forth in said Letters Patent, which are now remaining on record in the Patent Office of the United States; and by virtue whereof the said Bowker became, and was, the sole owner of the right and privileges granted and secured in and by said Letters Patent.

And your orator further shews unto your honors that your orator by virtue of the premises became and now is the exclusive owner of the said Letters Patent, and of the invention, and of the right and privileges granted and secured, or intended to be granted and secured, thereby; and that he has invested large sums of money, and has been to great trouble, in and about said invention, and for the purpose of carrying on the

business, and manufacturing and selling the same, and making the same profitable to himself and the public; and that said invention has been, and is, of great benefit and advantage to the public and to your orator; and that the public have very largely acknowledged and acquiesced in the aforesaid right of your orator, and your orator believes that he will receive and realize large gains and profits therefrom, if infringement thereof by the said defendant shall be prevented.

But the said defendant, well knowing the premises and the rights secured to your orator aforesaid, but continuing to injure your orator and deprive him of the advantages, which might, and otherwise would, accrue unto him from said invention, after the issue of the said Letters Patent to your orator and before the commencement of this suit, did, as your orator is informed and believes, without the license or allowance, and against the will of your orator, and in violation of his rights, and infringement of the said Letters Patent, unlawfully and wrongfully, and in defiance of the rights of your orator did make, use, and sell the said invention and improvement, and that he still continues to do so: that he is threatening to make, use and sell the same in large quantities, and to supply the market therewith, all in defiance of the rights acquired by and secured to, your orator, as aforesaid, and to his great and irreparable loss and injury, and by which he has been and is still being de-

prived of great gains and profits, which he might, and otherwise would, have obtained and which have been enjoyed, and are being received and enjoyed by the said defendant, by and through his aforesaid unlawful acts and doings.

And your orator further shows unto your Honors, on information and belief that said defendant has largely made, used, and sold the said invention and improvement, and has on hand in large quantity a certain preparation, containing said invention, which he is offering for sale, and has made and realized large profits and advantages therefrom; but, to what extent and how exactly your orator does not know, and prays a discovery thereof.

And your orator says that the using of said invention by the said defendant and his preparation therefor and avowed determination to continue the same, and his other aforesaid unlawful acts, in disregard and defiance of the rights of your orator, have the effect to encourage and induce others to venture to infringe said patent in disregard of your orator's rights thereunder.

And your orator further shows unto your Honors, that he has caused notice to be given unto said defendant of said infringements, and of the rights of your orator in the premises, and requested him to desist and refrain from such infringements; but he has disregarded the said notice, and refused to desist from such in-



fringements, and still preserves and continues therein

And your orator prays that the said defendant, his servants, agents, attorneys, and workmen, and each and every of them, may be restrained and enjoined by the order and injunction of this Honorable Court from directly or indirectly, making, using or vending said invention and improvement, or his aforesaid preparation or any preparation containing the same or the substantial equivalent thereof, against the said rights of your orator, and that the said defendant may be decreed to pay the costs of this suit; and that your orator may have such further relief, or such other relief as to this Honorable Court shall seem meet, and as shall be agreeable to equity.

May it please your Honor to grant unto your orator the writ of injunction issuing out of this Honorable Court, commanding, enjoining, and restraining the said defendant, and his servants, agents, attorneys, and workmen, and each and every of them, as hereinbefore in that behalf prayed.

And inasmuch as your orator can have no adequate relief except in this Court, to the end therefore, that the said defendant may, if he can, show why your orator should not have the relief hereby prayed, and may upon his corporal oath, and according to his best and utmost knowledge, remembrance, information, and belief, full, true, direct and perfect answers make to



the premises, and to all the several matters here-  
inbefore stated and charged, as fully and partic-  
ularly as if severally and separately interrogated  
as to each and every of said matters, and  
may be compelled to account for, and pay to  
your orator the profits by him acquired and  
the damages suffered by your orator from the af-  
said unlawful acts; and that the court may  
assess said profits and damages, and may in-  
crease the damages to a sum not exceeding  
three times the amount thereof: May it please  
your Honors to grant unto your orator the  
writ of Subpoena issuing out of, and under  
the seal of this Honorable Court, directed to the  
said defendant, commanding him by a certain  
day, and under a certain penalty, to be and  
appear in this Honorable Court, then and there  
to answer the premises, and to stand to, and  
abide such order and decree as may be  
made against him.

And your orator will ever pray &c.

Horace L. Bowker.

Alphonso J. Robinson,  
Complainant's Solicitor.

United States of America }  
District of Massachusetts, } ss.

On this first day of October,  
A.D. 1877, before me personally appeared Horace L.  
Bowker, who being by me duly sworn, deposes  
and says that he is the above named com-

plainant; that he has read the foregoing bill of complaint, subscribed by him, and knows the contents thereof and that the same is true of his own knowledge, except as to matters therein stated on information and belief, and to these he believes it to be true.

Henry R. Pijlman,  
Notary Public.









George W. B. 1878-919  
Grace A. Boucher

U

Guillermo D. Dour.

Record  
C.C.C.

Bail in Equity.

Good W. H. H. H.



Deputy's of the Court made Nov. 8  
to meet, Nov. 8, 1877

A. J. Robinson  
Complainant Solicitor.